

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 5, 1953
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works.

Councilman Johnson moved that the Minutes of the previous meeting be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson moved that the Minutes of the Special Meeting of February 25, 1953, be approved. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the recent bond sale had the lowest interest rate of any sold in the State.

Discussion was held on changing the ward boundaries now existing to create new wards out of the County precincts, out of which some territory is now in the City limits. These precincts were FISKVILLE, PECAN SPRINGS, WEST ST. ELMO, and GOVALLE. The City Attorney was asked to prepare an ordinance amending the ordinance setting up the ward boundaries for the Council to consider at this meeting.

Councilman MacCorkle moved that Councilman Johnson be appointed to bring a recommendation for six election officials and two alternates in the first eleven wards; Mayor Drake be appointed to bring a recommendation on the next eleven; and Councilman Long the next eleven; and have this ready for Council action next Thursday. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Council received notice that the following applications for change of zoning were referred to the Plan Commission:

MAX A. BACHOFEN	1011 & 1013 E. 51st	From "A" Residence To "B" Residence
DR. A. H. NEIGHBORS SR.	4901-4909 E. 5th Street (5001-09)	From "A" Residence To "D" Industrial
E. T. HOWELL	3403-3407 Webberville Rd.	From "A" Residence To "C" Commercial

The Mayor announced that the average interest rate was 2.2549, and Austin's rate was 2.159.

The City Manager stated that MR. FRED MORSE had found it necessary to resign from the Brackenridge Hospital Advisory Board, and he would like to offer the name of MR. PAGE KEETON to serve. Councilman Johnson moved that his nomination be confirmed. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long inquired if Mr. Evans Swann had resigned; and if and when he did, she would like to see a woman appointed to serve on the Hospital Board.

The City Manager reported on the boat landing location, stating that the one at the City Park on Lake Austin was being enlarged. There was a site closer in under consideration also, but there was the need of filling in and excavating, and the parking area was rather limited. He was working on another plan with the Fine Arts Association. The Mayor suggested that since something must be done right away even though it be a temporary thing, that it be worked out, and then work on the 35th street landing.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on January 6, 1953, bids were received for jail equipment in accordance with the specifications therefor contained in the Specifications for the General Contract for the new Police and Courts Building, as follows:

Southern Steel Co.	\$59,916.00
Pauly Jail Bldg. Co.	\$64,996.00
Fries & Son	\$72,272.00

and,

WHEREAS, the bid of Southern Steel Company in the amount of Fifty-Nine Thousand Nine Hundred Sixteen Dollars (\$59,916.00) was the lowest and best bid; and,

WHEREAS, it has been determined that at this time equipment should be installed which will provide only one-half of the final capacity of the jail as specified and that one electrical locking and operating system for the main entrance door, which was not included in the specifications should be provided and installed; and,

WHEREAS, Southern Steel Company had offered to furnish and install the equipment to provide one-half of the specified capacity and the electrical locking and operating system for the sum of Thirty-Four Thousand Seven Hundred Thirty-Five Dollars (\$34,735.00), and the acceptance of such offer has been recommended by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said offer of Southern Steel Company to furnish and install the jail equipment in accordance with specifications to provide one-half of the final capacity of the jail as specified, and to furnish and install the electrical locking and operating system for the main entrance door, be, and the same is hereby accepted, and W. E. Seaholm, City Manager, is hereby authorized and directed on behalf of the City of Austin to enter into contract with Southern Steel Company in accordance with such offer.

The motion, seconded by Councilman White, carried by the following vote:
 Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the paving lien on Lots 11 and 10, in Block 5 of the Oakmont Heights Addition, in the City of Austin, Travis County, Texas, in consideration of the full payment of such paving assessment against such property by William F. Kraft, and wife, Pauline Kraft.

The motion, seconded by Councilman Johnson, carried by the following vote:
 Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in SPRINGDALE ROAD, from Munson Street to Alf Avenue, the centerline of which gas main shall be 10 feet west of and parallel to the east property line of said SPRINGDALE ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in ALF AVENUE, from Springdale Road easterly 1459 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said ALF AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in BERGER STREET, from Alf Avenue northerly 517 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said BERGER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet

(4) A gas main in PORTER STREET, from 128 feet east of Valdez Street easterly 315 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said PORTER STREET.

(5) A gas main in VASQUEZ STREET, from Porter Street northerly 335 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said VASQUEZ STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that

greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by R. L. Moore as described in the Travis County Deed Records and located up-stream from the north line of Windsor Road, and hereby authorizes the said R.L. Moore to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said Permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said R. L. Moore has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"March 5, 1953

"Mr. Walter E. Seaholm
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of R. L. Moore, owner of a piece of property located up-stream from the north line of Windsor Road and listed in the Travis County Deed Records, for permission to

construct and maintain a boat dock projecting out into the lake approximately 40 feet. The construction details meeting all requirements, I therefore recommend that if R. L. Moore is granted his request by the City Council, that it be subject to the following conditions:

"(1). That nothing but creosoted piles, cedar piles or concrete piles, substantially braced to withstand wind and water pressure be used in the construction and that no structure shall be nearer than ten feet to any side property line of the owner or applicant.

"(2). That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3). That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4). That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Frank Rundell is the Contractor for the alteration of a building located at 2100 Guadalupe Street and desires a portion of the sidewalk and street space abutting the south part of Lot 31, Outlot 22 $\frac{1}{2}$, Division D. in the City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Frank Rundell, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Guadalupe Street approximately 6 feet to a point; thence in a northerly direction and parallel with the center line of Guadalupe Street approximately 45 feet to a point; thence in a westerly direction and at right angles to the centerline of Guadalupe Street to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Frank Rundell, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a guard rail within the boundary lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2). The Contractor will be permitted to use two parking meter spaces for the delivery or removal of materials during construction work.

(3). That "NO PARKING" signs shall be placed on the street side of the barricades.

(4). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(5). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(6). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(7). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than April 1, 1953.

(8). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(10). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(11). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. C. Evans is the Contractor for the alteration of a building located at 2005 University Avenue and desires a portion of the sidewalk and street space abutting Lot 3, and the north 10 feet of Lot 4, Block A, Outlot 18, Division D, in the City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

1. THAT space for the uses hereinabove enumerated be granted to said J. C. Evans, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of University Avenue to a point four feet west of the east curb line; thence in a northerly direction and parallel with the centerline of University Avenue approximately 80 feet to a point; thence in an easterly direction and at right angles to the centerline of University Avenue to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. C. Evans, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a four-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least four feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That "NO PARKING" signs shall be placed on the street side of the barricades.

(3). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(4). That provisions shall be made for the normal flow of all storm

waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(5). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(6). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than September 1, 1953,

(7). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(9). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(10). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain utilities and drainage easement was reserved and dedicated to the public on a map or plat of Block 1 of Brykerwoods D, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Brykerwoods D of record in Book 4, page 48, Plat Records of Travis County, Texas; and,

WHEREAS, such easement as hereinafter described is not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of public utilities and drainage easement described as follows:

- (1) The north three (3) feet of Lot 4 of said Block 1, Brykerwoods D Subdivision.
- (2) The south three (3) feet of Lot 5 of said Block 1, Brykerwoods Subdivision.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Balcones Park Addition, Section Two", approved by the City Plan Commission of the City of Austin on February 12, 1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long asked about the Anderson Lane extension and right-of-way. She stated there were a lot of children that would have to cross the Interregional to go to their school, or they would have to go north about a mile to get across. The City Manager explained the matter, using a map, and explained that the right-of-way out of a subdivision which would be expensive. No action was taken, as the Mayor and members of the Council wanted to make a personal inspection of the area.

Councilman Long inquired about asphaltting the streets, and suggested that Willow Street from San Saba on past the school needed some attention. It was reported that shortly, after danger of freezes, the streets will be graded and treated with this asphalt emulsion, especially those leading to the schools. Councilman White had had more complaints about chug-holes than the dust.

The Mayor wanted to arrange a meeting Monday (March 9) for organizing the Planning Commission, and invited the rest of the Council to sit in on this meeting. He suggested that MRS. FRANCIS R. HODGE and MRS. PAUL GRIFFITH, since they had mentioned they would like to serve as ex-officio members, be made ex-officio members of this commission. Councilman MacCorkle moved that the following ex-officio members of the Planning Commission be made members of the Planning Commission as set up:

MR. GEORGE SANDLIN

MR. WALTER GUTTMAN

MR. H. D. PRUETT

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilman Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

The Council recessed until 4:30 P.M.

Recessed Meeting:

At 4:30 P.M. the Council reconvened and all were present except Councilman MacCorkle.

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE FIXING AND ESTABLISHING THE WARD BOUNDARIES OF THE CITY OF AUSTIN FOR VOTING PURPOSES ONLY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," PASSED BY THE CITY COUNCIL, MARCH 26, 1948, BY CHANGING THE WARD BOUNDARIES OF WEST FIRST WARD, WEST SECOND WARD, FOURTH WARD-G, FIFTH WARD-B, AND SIXTH WARD-A, AND CREATING NEW WARDS TO BE DESIGNATED AS WEST THIRD WARD, FOURTH WARD-J, FIFTH WARD-E, AND SIXTH WARD-E, OF THE CITY OF AUSTIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Long moved that the rule be suspended, and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

The ordinance was read the second time, and Councilman Long moved that the rule be suspended, and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake
Noes: None
Absent: Councilman MacCorkle

The ordinance was read the third time, and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake
Noes: None
Absent: Councilman MacCorkle

The Mayor announced that the ordinance had been finally passed.

The Mayor introduced the following ordinance:

AN ORDINANCE ORDERING A GENERAL ELECTION TO BE HELD APRIL 4, 1953, FOR THE PURPOSE OF ELECTING FIVE COUNCILMEN OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 15, 1953; DESIGNATING THE POLLING PLACES IN THE VARIOUS WARDS; AND PROVIDING THE PROCLAMATION OF SAID ELECTION; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake
Noes: None
Absent: Councilman MacCorkle

The ordinance was read the second time, and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake
Noes: None
Absent: Councilman MacCorkle

The ordinance was read the third time, and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake
Noes: None
Absent: Councilman MacCorkle

The Mayor announced that the ordinance had been finally passed.

The Mayor asked the Council's general feeling about the zoning of the East Avenue Interregional Highway. He stated he would like to present the Council's idea at the meeting at 10:30 Monday morning, March 9th.

There being no further business, the Council adjourned at 5:00 PM subject to the call of the Mayor.

APPROVED: *W. S. Draper*
Mayor

ATTEST:

Elmer Hoosley
City Clerk